

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANIS HROBUCHAK, Plaintiff	:	No. 1:17-CV-2173
	:	
	:	
v.	:	(Chief Judge Conner)
	:	
TRANSCONTINENTAL	:	Electronically Filed Document
REFRIGERATED LINES, INC., et al.	:	
Defendants	:	<i>Complaint Filed 10/23/17</i>

DEFENDANTS TRANSCONTINENTAL
REFRIGERATED LINES, INC. REES GRIFFITHS, ESQ.
JOHN UHLER, ESQ., AND CGA LAW FIRM, PC'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendants Transcontinental Refrigerated Line, Inc. by Lawrence V. Young, Liquidating Agent, Rees Griffiths, Esq, John Uhler, Esq., and CGA Law Firm hereby move pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the Complaint against all of them. The Court should dismiss the complaint because it fails to state a claim against Defendants upon which relief can be granted, it is collaterally estopped, and it is barred by immunity.

Plaintiff fails to state a sufficient claim against Defendants Griffiths, Uhler, and CGA Law Firm upon which relief can be granted because the suit against Plaintiff was neither unfounded nor brought with malice for an improper purpose as would be required under the Dragonetti Act. Rather, Defendants were told by the court appointed trustee to bring the claims against Plaintiff and those claims were ultimately sent to a jury.

Plaintiff's Complaint was collaterally estopped by this Honorable Court when Plaintiff's Motion to Nonsuit was denied and the issues were sent to a jury. This Motion will be supplemented with the relevant portions of the trial transcript showing the denial of Plaintiff's Motion to Nonsuit.

Plaintiff's Complaint against Transcontinental Refrigerated Lines, Inc. by Lawrence V. Young, Liquidating Agent is barred by quasi judicial immunity by virtue of his position as a court-appointed liquidating agent. The other Defendants enjoy the same quasi judicial immunity by virtue of their position as counsel to the aforementioned court-appointed liquidating agent.

WHEREFORE, the Court should dismiss the Complaint against Defendants.

Respectfully submitted,

Date: December 4, 2017

s/ Alan C. Green
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CERTIFICATE OF SERVICE

I, Alan C. Green, counsel for Defendants, hereby certify that on December 4, 2017, I caused to be served a true and correct copy of the foregoing document titled Defendants Transcontinental Refrigerated Lines, Inc, Rees Griffiths, Esq., John Uhler, Esq., and CGA Law Firm's Motion to Dismiss Plaintiff's Complaint to the following:

VIA ECF

Matthew B. Weisberg, Esq.
WEISBERG LAW
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s/ Alan C. Green
Alan C. Green, Esquire
Attorney for Defendant TRL